

a different insurance rule than most of the states of the country. Let me give you the fact pattern that gives rise to this bill. If you're driving along now and you're struck by a driver who is negligent and enters your lane, strikes your car, causes you physical injury, but you can't identify the license plate, don't know the car, can't identify it, and you've suffered injury, your insurance pays for your coverage. They pay for it out of your uninsured motorist hit and run coverage. You've been hit and run, you don't know who did it, your insurance covered...coverage covers it. If, on the other hand, the car drives into your lane and you swerve at the last possible minute to avoid the accident, strike a tree, cause physical injury, don't get the license number, but it was the other car's behavior and negligence that forced you into taking that defensive motion. You don't get a dime out of your insurance coverage and the reason is there was no hit and run. There was the reason for doing the evasion, but without the actual physical touching our Supreme Court says that the hit and run provisions don't apply. Well, that's been abrogated in most other states either by courts or by legislatures and we finally are getting around to doing that in Nebraska. As you can see in the committee statement, that this was done both with the support of some attorneys who have had clients who've been in this situation and the insurance companies came in and accepted this change. Why? Because the rule is an anomaly any longer and in return for making sure that we did this with appropriate evidence, the insurance industry was willing to accept this change. The committee amendment is that assurance. Why? Because what they want is they want to make sure than an individual just simply can't claim on their own that the personal injury was the result of some phantom car. So, we have said this, if you can prove by competent evidence of an independent and disinterested person, not by the insured or by somebody occupying the insured's motor vehicle. In other words, if you have an eyewitness who's a bystander and disinterested, who can establish that this was the fact pattern, then you can recover from your insurance company. This balances the need to protect against fraud with the need to recover when you are genuinely injured, not through your own negligent, by the negligence of another, you were avoiding an injury and probably even reducing the injury by taking the evasive procedures. The committee amendment is that balancing language that says, competent evidence "provided by an independent and disinterested person and not by the insured or any person occupying the